

STATE OF MICHIGAN  
COURT OF APPEALS

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STATE TREASURER,

Plaintiff-Appellee,

v

ERICK V. BROWN,

Defendant-Appellant.

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UNPUBLISHED

January 25, 2005

No. 250480

Wayne Circuit Court

LC No. 03-317884-CZ

Before: Hoekstra, P.J., and Cavanagh and Borrello, JJ.

PER CURIAM.

Defendant appeals as of right from a judgment for plaintiff on its claim for reimbursement under the state correctional facility reimbursement act, MCL 800.401 *et seq.* We affirm.

Defendant is a prisoner under the jurisdiction of the department of corrections (DOC). After his father deposited money in his prison account, plaintiff filed this action to seize it to pay for the cost of defendant's care. The trial court issued an order to show cause, MCL 800.404(2), and an interim order appointing a receiver and freezing defendant's account, MCL 800.404a. Following the show cause hearing, the court entered a judgment for plaintiff.

Defendant contends that the court violated his due process rights by conducting the hearing in his absence. We disagree. "Due process in civil cases generally requires notice of the nature of the proceedings, an opportunity to be heard in a meaningful time and manner, and an impartial decisionmaker." *Cummings v Wayne Co*, 210 Mich App 249, 253; 533 NW2d 13 (1995). Defendant received a copy of the complaint and order to show cause, he had and took advantage of an opportunity to file a response in opposition to the action, and he does not challenge the judge's impartiality. He asked for an opportunity to participate in the hearing, but did not apply for a writ of habeas corpus that would have allowed him to do so. Defendant received all process that was due. See *State Treasurer v Gardner*, 222 Mich App 62, 65-66; 564 NW2d 51 (1997), rev'd on other grounds 459 Mich 1 (1998).

Defendant next contends that the court erred in granting judgment for plaintiff because the money he received was earmarked for certain purposes and he needed it to obtain various personal items not provided by the DOC or to supplement those provided by the DOC. We disagree. MCL 800.404 "imposes a statutory duty on a resident of a state penal institution to pay for the cost of his incarceration." *Dep't of Treasury v Turner*, 110 Mich App 228, 231; 312

NW2d 418 (1981). Defendant “cannot impede the state’s clear statutory right to reimbursement by claiming that he would prefer to use his assets to pay the obligations of his choice.” *State Treasurer v Sheko*, 218 Mich App 185, 189; 553 NW2d 654 (1996).

Defendant also contends that plaintiff was not entitled to seize the funds because they were insufficient to pay for the cost of his care. The act directs the attorney general to file a reimbursement action when there is “good cause to believe that a prisoner has sufficient assets to recover not less than 10% of the estimated cost of care of the prisoner or 10% of the estimated cost of care of the prisoner for 2 years, whichever is less . . . .” MCL 800.403(2). This provision has been interpreted as meaning that the attorney general must seek reimbursement if a prisoner has assets to satisfy at least ten percent of the cost of care. It “does not bar a lawsuit for reimbursement when the possible recovery would be less than ten percent of the cost of care. In those cases, . . . the Attorney General has discretion to seek reimbursement.” *State Treasurer v Cuellar*, 190 Mich App 464, 467; 476 NW2d 644 (1991). Therefore, defendant’s claim is without merit.

We decline to consider defendant’s remaining arguments because he has not adequately briefed the merits of the claims or cited relevant supporting authority. See *Silver Creek Twp v Corso*, 246 Mich App 94, 99; 631 NW2d 346 (2001); *Prince v MacDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999). “It is not sufficient for a party ‘simply to announce a position or assert an error and then leave it up to this Court to discover and rationalize the basis for his claims, or unravel and elaborate for him his arguments, and then search for authority either to sustain or reject his position.’” *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998), quoting *Mitcham v Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959).

Affirmed.

/s/ Joel P. Hoekstra  
/s/ Mark J. Cavanagh  
/s/ Stephen L. Borrello